

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael J. Breslin, et al.

Serial No. 10/506,702

Filed: September 7, 2004

For: MITOTIC KINESIN INHIBITORS

Art Unit: To be determinedExaminer: To be determined

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK &amp; CO., INC.

By [Signature] Date 1/21/05

**INFORMATION DISCLOSURE STATEMENT**

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

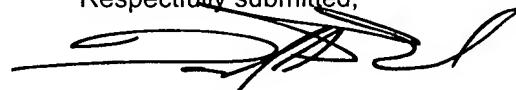
RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: David A. Muthard

Attorney \_\_\_\_\_ For Applicant(s)

Reg. No. 35,297

MERCK & CO., INC.

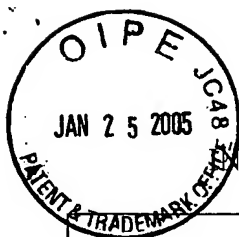
Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594-3903

Date: January 21, 2005



PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael J. Breslin, et al.

Serial No.: 10/506,702 Case No.: 21047YP

Filed: September 7, 2004

For: MITOTIC KINESIN INHIBITORS

Art Unit:  
To be determined

Examiner:  
To be determined

Commissioner of Patents  
Alexandria, Virginia

EXPLANATION OF RELEVANCE OF NON-ENGLISH DOCUMENTS UNDER 37  
C.F.R. 1.98(a)(3)(i)

Sir:

Applicants respectfully note that one (1) of the documents listed on the USPTO 1449 for submitted herewith is not in the English language and a copy of an English translations of that documents is not within the possession, custody or control of Applicants, and, to the Applicants knowledge, is not readily available. Below is a concise explanation of the relevance of that non-English document:

PCT Patent Application No. WO01/32173 discloses substituted 3,5-diaryl-4,5-dihydro-1H-pyrazole compounds, which are described as inhibitors of neurocytological toxicity caused by kainic acid. The PCT Application also describes methods of preparation of those compounds and the use of those compounds to treat various neurological diseases. The instant application discloses and claims 3,5-diaryl-4,5-dihydro-1H-pyrazole. The instant compounds are described as inhibitors of the mitotic kinesin KSP and are particularly useful as anti-cancer agents.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, ON THE DATE APPEARING BELOW.

MERCK & CO., INC.

BY: 

DATE: 1/21/05

Respectfully submitted,

By: 

David A. Muthard  
Reg. No. 35,297  
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Rahway, New Jersey 07065-0907  
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Date: January 21, 2005

STATEMENT B

JAN 25 2005

(use as many as needed)

PATENT & TRADEMARK OFFICE

**JAN 25 2005**

(use as many sheets as necessary)

Sheet

4

of

2

## Application Number

10/506.702

**Filing Date**

September 7, 2004

**First Named Inventor**

**Michael J. Breslin**

## Group Art Unit

Examiner Name

Attorney Docket Number

21047YP

[illegible][illegible]Examiner  
SignatureDate  
Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Computer generated form "IDS Form;" (IDS Folder), Merck & Co., Inc., 09/05/2003

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